

## **REMARKS**

By the present amendment, claims 4 to 6 are pending in the application.

### **Support For New Claims**

New claims 4 to 6 of the present amendment are based upon Figs. 1, 2 and 3 of the drawings and the accompanying description in the specification at page 8, line 15 to page 11, line 12.

### **Claim Objections**

Claim 1 was objected to because reference numeral “ 71” at line 3 of claim 1 was not in parenthesis.

By the present amendment, all reference numerals in new claims 4 to 6 are in parenthesis.

In view of the present amendment, it is respectfully requested that the objections to the claims be withdrawn.

### **35 U.S.C. §112, ¶1**

Claims 1 to 3 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

It is submitted that in new claims 4 to 6, the problem with respect to the “wainscot panel” has been resolved.

It is further submitted that in new claims 4 to 6, there is no limitation direct to “face members ... tensioned”.

It is submitted that new claims 4 to 6 of the present amendment comply with the requirements of 35 U.S.C. §112, first paragraph.

In view of the present amendment, it is respectfully requested that the rejection under 35 U.S.C. §112, first paragraph, be withdrawn.

**35 U.S.C. §112, ¶2**

Claims 1 to 3 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

In response to this rejection, claims 1 to 3 have been canceled by the present amendment, and replaced with new claims 4 to 6.

In view of the present amendment, it is respectfully requested that the rejection under 35 U.S.C. §112, second paragraph, be withdrawn.

**§103**

Claims 1 to 3 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,291,498 to Odell in view of U.S. Patent Pub. No. 2003/0145537 to Bailey and U.S. Patent No. 4,869,040 to Howell.

This rejection, as applied to new claims 4 to 6, is respectfully traversed.

**Patentability**

**U.S. Patent No. 2,291,498 (“US ‘498”)**

Showing an enlarged Figure 6 from US ‘498, the Office Action takes the position that the construction disclosed in US ‘498 is similar to that of the present invention. However, applicants do not agree with this opinion.

The Office Action takes the position that “D” in this Figure is an opening.

However, US ‘498 does not disclose or suggest that “D” in this Figure is an opening.

US ‘498 relates to wall and ceiling finish; and it comprises a method of covering an inside wall and ceiling with wall board panels to give an appearance of a wall paper finish.

The purpose of Figure 6 of US ‘498 will be explained.

On page 2, left column, line 46 to 51, US '498 discloses that "It is also important that the vertical joints 15 formed between the single-ply panels 14 be staggered in relation to the vertical joints 17 formed between the vertical meeting edges of the laminated panels 8."

Further, Fig. 2 of US '498 shows that the several laminated panels 8 are arranged with joint 17 being shifted between the courses, i.e., joint 17 is not vertically aligned. In other words, the position of joints 17 is uneven with respect to the vertical direction.

In Fig. 6 of US '498, "D", which the Office Action states is an opening, does not mean an opening (window) of the construction but shows a state of joints 17 and 14 by removing panels from the construction in order to help an understanding that the state that joints 17 and 14 are staggered.

In addition, US '498 does not disclose or suggest the technical concept of the present invention that fracture stress can be suppressed below while maintaining initial rigidity of the construction at a high level based on a principle explained by Fig. 4 of the specification.

**U.S. Pat. Pub. 2003/0145537 ("US '537")**

US '537 relates to metal building stud and brick tie for a hybrid metal and timber framed building system.

However, US '537 does not disclose or suggest a member corresponding to the side face upper frame members (157).

Further, the position where the member (20) of US '537 is arranged is different from that of the side face lower frame member (154) of the present invention.

These differences clearly indicate that US '537 does not disclose or suggest the technical concept of the present invention.

US '537 belongs to the prior art constructions shown in Fig. 10 and Fig. 11 of the specification.

**U.S. Patent No. 4,869,040 ("US '040")**

US '040 disclosed a metal frame structure. However, US '040 does not disclose or suggest the structure, problem and effect of the present invention.

As explained above, the cited references do not disclose or suggest structures and effect of the present invention. The present invention cannot be derived from these references even if they are combined.


It is therefore submitted that new claims 4 to 6 of the present amendment are patentable over US '498 in view of US '537 and US '040.

**CONCLUSION**

It is submitted that in view of the present amendment and foregoing remarks, the application is now in condition for allowance. It is therefore respectfully requested that the application, as amended, be allowed and passed to issue.

Respectfully submitted,

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